

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, October 5, 2005

10:30 a.m.

Room 308 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

MEMBERS PRESENT: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith.

MEMBERS ABSENT/EXCUSED: Representative McConico.

Representative Rocca moved to adopt the minutes of the **September 21, 2005** meeting. The motion was supported by **Representative David Law**. There being no objection, the motion prevailed by unanimous consent.

Chairman Van Regenmorter laid **HB 5054** before the committee:

HB 5054 Taub	Torts; governmental immunity; licensed health professionals assisting public safety in search, rescue, and recovery resulting from natural or manmade disasters and emergencies; provide liability protection.
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Representative Taub, sponsor of HB 5054, explained her bill to the committee.

Stuart Etengoff, D.O., testified in support of the bill.

Mitch Petterson, representing the Independence Fire Department and Michigan Urban Search and Rescue, testified in support of the bill.

Tim Reeves, representing the Legislative Service Bureau, testified and indicated neutrality on the bill.

Matt Bolger, representing the Michigan State Police, testified and did not indicate a position on the bill.

Chairman Van Regenmorter laid **HB 5023**, **HB 5145**, **HB 4798** and **HB 5135** before the committee:

HB 5023 Hildenbrand Criminal procedure; sentencing; court ordered fines, costs, or assessments; clarify judge's authority.

HB 5145 Steil Criminal procedure; sentencing; procedures for payment of certain costs, assessments, and restitution in criminal cases; revise.

HB 4798 Van Regenmorter Crime victims; rights; crime victims assessment; require to be applied in cases where sentence has been delayed or deferred.

HB 5135 Van Regenmorter Criminal procedure; other; certain conflicts with court rules; eliminate and harmonize with court decisions.

Representative Hildenbrand, sponsor of HB 5023, explained his bill to the committee.

Paul Sullivan, Chief Judge of the Kent County Circuit Court, testified in support of the HB 5023 and HB 5145.

Representative Steil, sponsor of HB 5145, explained his bill to the committee.

Mark Gates, representing the State Court Administrative Office, testified in support of the bills.

Chairman Van Regenmorter laid **SB 74** and **SB 134** before the committee:

SB 74 Goschka Crimes; kidnapping; reporting a false "Amber alert"; prohibit and provide penalties.

SB 134 Cassis Criminal procedure; sentencing guidelines; sentencing guidelines for crime of intentionally falsely reporting the abduction of a child to authorities; provide for.

Ari L. Faneuil, from Senator Goschka's office, testified in support of the bills.

Chad Arnold, from Senator Cassis' office, testified in support of the bills.

The committee returned to the consideration of **HB 5054**.

Chair Van Regenmorter offered the following amendment to **HB 5054**:

1. Amend page 3, line 5, after "**RESCUE**" by inserting "**OPERATION**".

Representative Nofs moved to adopt the amendment. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Jones moved to report **HB 5054** with recommendation, as amended. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

The committee returned to the consideration of **HB 5023**.

Representative Newell moved to adopt the substitute (**H-3**) to **HB 5023**. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chair Van Regenmorter offered the following amendment to **HB 5023 (H-3)**:

1. Amend page 1, line 6, after “**DEFERRED**” by inserting “**PURSUANT TO STATUTE**”.

Representative Bieda moved to adopt the amendment. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative David Law moved to report **HB 5023** with recommendation, as substitute (**H-4**). The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,
Nays: None,
Pass: None.

The committee returned to the consideration of **HB 5145**.

Representative Elsenheimer moved to adopt the substitute (**H-1**) to **HB 5145**. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,
Nays: None,
Pass: None.

Representative Schuitmaker moved to report **HB 5145** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,
Nays: None,
Pass: None.

The committee returned to the consideration of **HB 4798**.

Representative Condino moved to adopt the substitute (**H-2**) to **HB 4798**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,
Nays: None,
Pass: None.

Representative Bieda moved to report **HB 4798** with recommendation, as substitute (**H-2**). The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,
Nays: None,
Pass: None.

The committee returned to the consideration of **SB 74**.

Chair Van Regenmorter offered the following amendment to **SB 74**:

1. Amend page 4, following line 8, by inserting:
“Enacting section 1. This amendatory act takes effect February 1, 2006.”.

Representative Newell moved to adopt the amendment. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,
Nays: None,
Pass: None.

Representative Bieda moved to report **SB 74** with recommendation, as amended. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,
Nays: None,
Pass: None.

The committee returned to the consideration of **SB 134**.

Chair Van Regenmorter offered the following amendment to **SB 134**:

1. Amend page 4, following line 3, by inserting:
“Enacting section 2. This amendatory act takes effect February 1, 2006.” and renumbering the remaining enacting section.

Representative Condino moved to adopt the amendment. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,
Nays: None,
Pass: None.

Representative Bieda moved to report **SB 134** with recommendation, as amended. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,
Nays: None,
Pass: None.

The committee returned to the consideration of **HB 5135**.

Representative Jones moved to report **HB 5135** with recommendation. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **12-0-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini and Bieda,
Nays: None,
Pass: Representative Condino.

Representative Condino moved to excuse **Representative McConico** from committee. The motion was supported by **Representative Bieda**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:50 a.m.

Representative William Van Regenmorter, Chair
House Standing Committee on Judiciary
Malika Abdur-Rashid
Committee Clerk
517-373-7256
1 hr. 20 minutes